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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

FRANCES R. EGAN and JOSEPH P. EGAN,

Plaintiffs,

vs.

WALGREEN CO. dba WALGREENS and  
DOES I through X, inclusive,

Defendants.

Case No.: 2:15-CV-00237-RFB-GWF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
(1<sup>st</sup> Request)**

COME NOW, Plaintiffs FRANCES R. EGAN AND JOSEPH P. EGAN, by and through their attorneys of record, PETER S. CHRISTIANSEN, ESQ., R. TODD TERRY, ESQ., and KENDELEE L. WORKS, ESQ., of the CHRISTIANSEN LAW OFFICES; Defendant WALGREEN CO. by and through their attorneys JAMES HOLTZ, ESQ., of the law firm of STUTZ ARTIANO SHINOFF & HOLTZ, and stipulate to extend the discovery deadlines in this case.

**A. MEETING**

Pursuant to FRCP 26(f) and LR 26-1(e), the parties held a meeting on March 3, 2015 and was attended by:

1. R. Todd Terry, Esq., for Plaintiffs;
2. James Holtz, Esq., for Defendant

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**B. PRE-DISCOVERY DISCLOSURES**

The parties exchanged initial disclosures with the Defendants producing their disclosures on March 13, 2015 and Plaintiffs on March 17, 2015.

**C. DISCOVERY PLAN**

On March 5, 2015, this Court entered an order approving the parties Discovery Plan and Scheduling Order (#13). Thereafter, the Defendant propounded written discovery and Plaintiffs are in the midst of responding and propounding their own written discovery.

Since the filing of the original complaint in this case the parties have engaged in the following discovery:

1. On May 7, 2015, Defendant served Interrogatories and Request for Production of Documents on Plaintiffs. Defendant has granted an extension to answer the discovery.

Counsel will begin working diligently to secure workable dates for depositions of the parties and witnesses in the matter.

A number of issues have prevented the parties from completing discovery under the present schedule including, Plaintiff's counsel's trial schedule, obtaining voluminous medical records of plaintiff and awaiting the outcome of the pending Motion to Remand and Motion to Amend Complaint. As such, the parties request that deadlines be extended.

The parties have communicated and propose the following discovery plan so that they can engage in and complete discovery to be adequately prepared for trial:

1. Discovery will be needed regarding the following subjects:
  - a. Claims set forth in the Complaint;
  - b. Defenses relevant to the causes of action;
  - c. Deposition of Plaintiff and Defendant;
  - d. Deposition of percipient witnesses; and
  - e. Designation and depositions of Experts and Rebuttal Experts.
2. Discovery Cut-Off Date(s). Discovery will take 227 days to be completed. Therefore, all discovery shall be completed on or before **October 16, 2015**.
3. Fed.R.Civ.P. 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed

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according to Fed.R.Civ.P. 26(a)(2), except that:

- a. The initial disclosure of experts and expert reports shall occur on **August 17, 2015**, which is 60 days before the discovery cut-off date; and
- b. The disclosure of rebuttal experts and their reports shall occur on **September 16, 2015**, which is thirty (30) days before the discovery cut-off date.

**D. REASONS UNDERLYING REQUEST FOR EXTENSION**

1. This case involves many complex medical issues and all of Plaintiff's treating physicians are located in the State of California. Plaintiff continues to receive treatment for her injuries and the Parties are still trying to obtain a complete of her medical records. Moreover, the Parties have engaged in motion practice concerning Plaintiffs' Motion to Remand and a separate Motion to Amend the Complaint for which the Parties are still awaiting a decision and order. Depending on the outcome of the Motions, some additional discovery may be required.

As evidenced by this stipulation neither party blames the other for the delays in completing discovery and both parties seek the court's indulgence in allowing the requested extension to facilitate completing the contemplated discovery in this matter.

**E. OTHER ITEMS.**

1. Amending the Pleadings and Adding Parties. The parties shall have until **July 17, 2015**, to file any motions to amend the pleadings or to add parties as pursuant to LR-26(2), which is not later than ninety (90) days prior to the close of discovery.
2. Interim Status Report. The parties shall file the interim status report required by LR 26-3, by **August 17, 2015**. Undersigned counsel certify that they have read LR 26-3 and that this date is not later than sixty (60) days before the discovery cut-off date.
3. Dispositive Motions. The parties shall have until **November 16, 2015**, to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does

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- 1 not exceed the outside limit of thirty (30) days following the discovery cut-off date
- 2 that LR 26-1(e)(4) presumptively sets for filing dispositive motions.
- 3 **December 16, 2015**
- 4 4. Pretrial Order. The pretrial order shall be filed by ~~January 8, 2016~~, which is not
- 5 more than thirty (30) days after the date set for filing dispositive motions in the case.
- 6 In the event dispositive motions are filed, the date set for filing the joint pretrial
- 7 order shall be suspended until thirty (30) after the decision of the dispositive motions
- 8 or further order of the court. The disclosures required by Fed. R.Civ.P. 26E(5) shall
- 9 be made in the joint pretrial order.
- 10 5. Later Appearing Parties. A copy of this discovery plan and scheduling order shall
- 11 served on any person served after it is entered or, if additional defendants should
- 12 appear, within five (5) days of their first appearance. This discovery plan and
- 13 scheduling order shall apply to such later-appearing party(ies), unless the Court, on
- 14 motion and for good cause shown, orders otherwise.
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6. Extensions or modifications of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the expiration of the subject deadline and comply fully with LR 26-4.

Dated this 8<sup>th</sup> day of June, 2015.

Dated this 8<sup>th</sup> day of June, 2015.

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**DENNETT & WINSPEAR, LLP**

/s/ R. Todd Terry, Esq.

/s/James F. Holtz, Esq.

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*Attorneys for Defendants Walgreen Co.*

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*Attorneys for Plaintiffs, Frances and Joseph Egan*

**ORDER**

**IT IS SO ORDERED.**

DATED this 9<sup>th</sup> day of June, 2015.

  
UNITED STATES MAGISTRATE JUDGE